

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2005 AUG -1 AM 9:48
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY JF DEPUTY CLERK

ONE TREASURE LIMITED, INC.,
Plaintiff,

-vs-

Case No. A-04-CA-449-SS

WILLIAM W. RICHARDSON, a/k/a Will
Richardson, d/b/a WWW.FINE-
ART-MAPS.COM,
Defendant.

ORDER

Pending before the Court is Plaintiff's Motion for Attorneys' Fees and Costs [#95].¹

Having considered the motion, the applicable law, and the case file as a whole, the Court determines the motion should be granted.

The plaintiff, One Treasure Limited, Inc., filed suit against William Richardson, also known as Will Richardson, individually and doing business as www.fine-art-maps.com, alleging that Defendant willfully infringed its copyrighted watercolor paintings entitled: (1) "Caribbean;" (2) "Quintana Roo;" (3) "Cozumel;" (4) "Ambergris Cay;" (5) "Grand Cayman;" (6) "Virgin Islands;" (7) "Bahamas;" (8) "Jamaica;" (9) "Belize;" and (10) "Puerto Rico." The case was tried

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¹ The request for injunctive relief will be dealt with in a separate order.

to a jury in July 2005. The jury returned its verdict in favor of Plaintiff and awarded \$375,000.00 in statutory damages.

Citing 17 U.S.C. § 505, Plaintiff now moves to recover \$73,581.75 in attorneys' fees and \$5,370.81 in costs. Under § 505, the Court may allow for full recovery of costs by any party. Whether to award attorneys' fees to a prevailing party under § 505 is a matter within the Court's discretion. In view of the evidence presented and the evident willfulness of Defendant's actions, the Court concludes an award of fees and costs is particularly appropriate in this case.

Counsel for Plaintiff has submitted an affidavit detailing the amount of time spent in preparing and prosecuting this case and the amounts charged therefor. J. Welch Aff. The Court finds the time spent and the amounts charged reasonable in view of the quality of the services rendered and the result obtained. Moreover, taking the *Johnson* factors into consideration, this Court finds Plaintiff's request to be reasonable. *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). The Court therefore awards Plaintiff \$73,581.75 in attorneys' fees. As costs, Plaintiff requests a total of \$5,370.81. The Court grants this request. Accordingly, IT IS ORDERED that Plaintiff's Motion for Attorneys' Fees and Costs [#95] is GRANTED and Plaintiff is awarded \$73,581.75 in attorneys' fees and \$5,370.81 in costs.

SIGNED this the 1st day of August 2005.



SAM SPARKS
UNITED STATES DISTRICT JUDGE